



January 11, 2024

Hon. Ona T. Wang
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Judge Wang:

As the Court knows, my firm, with co-counsel, represents Plaintiff in the case named above. I write regarding discover in this case.

First, as the Court likely remembers, it set a tentative end date for non-policy related discover (“Phase 1”) — which “[it] kn[ew] [wa]s going to be pushed” (2023-11-16 Tr. at 32) — of January 26, 2024. As the Court also knows, since that time, the parties are still working through the various issues discussed at the November 16, 2023 conference. *See, e.g.*, ECF No. 156. And as discussed previously, those issues are gating the parties’ ability to conduct depositions. Therefore, the parties jointly ask for an extension of the Phase 1 discovery until Friday, April 19, 2024 — which may also, given that much of what was discussed at the November 16, 2023 conference is still outstanding, need to get pushed.

Second, given the Court’s Report and Recommendation, and Defendants’ choice not to object to the Court’s ruling on the Right to Record Act claims, Plaintiff’s position is that now discovery should commence on the No Recording Policy challenged under the Right to Record Act claims. It is also possible that discovery could be coordinated with *Reyes*, since the same claims are at issue in both cases, and both have live, direct challenges to the No Recording Policy under the Right to Record Acts. Plaintiff believes it would be productive to have a teleconference to discuss how this (call it) Phase 2 discovery moves forward. And it may be productive to coordinate that discussion with Judge Clarke and Magistrate Judge Stein’s Chambers, to minimize the burden on the City for policy related depositions and electronic document collection. Defendants object to beginning any policy discovery and will address this in their letter due to the Court on January 22, 2024.

As always, I thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green
Honorific/Pronouns: Mx., they/their/them



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cc:

All relevant parties by electronic filing.

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Page 2 of 2